

## **EXHIBIT D**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JACK REESE, JAMES CICHANOFSKY,  
ROGER MILLER and GEORGE NOWLIN  
on behalf of themselves and  
a similarly situated class,

Hon. Patrick J. Duggan  
Case No. 04-7059

Plaintiffs,

v.

**Class Action**

CNH GLOBAL N.V., formerly  
known as Case Corporation,  
and THE COMPANY LLC,

Defendants.

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David R. Radtke (P47016)  
Darcie R. Brault (P43864)  
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Attorneys for Plaintiffs Reese, et al.  
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**PLAINTIFFS' FIFTH REQUEST FOR  
PRODUCTION OF DOCUMENTS**

Plaintiffs, by their attorneys, McKNIGHT, McCLOW, CANZANO, SMITH & RADTKE, P.C., request, pursuant to Rule 34 of the Federal Rules of Civil Procedure, that Defendants produce the documents and records described below for inspection and copying at

the offices of McKNIGHT, McCLOW, CANZANO, SMITH & RADTKE, P.C., 400 Galleria Officentre, Suite 117, Southfield, Michigan 48034.

### **DEFINITIONS**

Unless otherwise indicated, the following definitions shall be applicable to these Document Requests.

1. "CNH" means Defendants CNH Global N.V. and CNH America LLC, as well as any predecessor, parent to subsidiary, including but not limited to CNH Industrial, Fiat Industrial, CNH Capital LLC and Fiat SpA, and their employees, officers, agents and lawyers.

2. "Current Plan" means the medical, dental, vision, hearing aid and prescription drug plan the Company is currently providing under the 1998 Group Benefit Plan.

3. "2005 Plan" means the CNH/UAW Group Benefit Plan 2005.

### **DOCUMENT REQUESTS**

1. All documents listed in the duces tecum subpoenas directed to Scott Macey, John Stahl and Keeper of the Records of Towers Watson dated October 28, 2013 which are not provided directly by the deponents.

2. Any and all communications to the shareholders of CNH Global, N.V., CNH Industrial N.V., Fiat Industrial SpA or any related publicly traded companies relative to this litigation.

3. Any and all disclosures referencing this litigation relative to the merger of CNH Global N.V. and Fiat Industrial, SpA.

4. Any and all agreements referencing this litigation in the merger of CNH Global N.V. and Fiat Industrial SpA.

5. Any and all open enrollment material provided to new retirees for information and participation in the 2005 Plan for the year 2014, including notices for payment of premiums.

6. All documents which support the claim that "[a] high percentage of the actual costs for medical and prescription drugs for the current plan over the period 2008 through 2012 involved procedure codes or drugs that did not exist in 1998," sufficient to identify any procedures or drugs that did not exist in 1998 and all documents showing when those codes or drugs first came into existence.

7. All documents showing any medical procedure or prescription drug that has come into existence since 1998 that is not covered, is no longer covered or is excluded from coverage, under the Current Plan including, but not limited to, benefit denials, explanation of benefits and benefit denial appeals

8. All documents reviewed or generated by Towers Watson in connection with a review of claims, claim projections, annual cost projections per capita cost projections, under the 2005 Plan and for the Current Plan, including but not limited to those attached as Exhibits 1 and 2 to the 2010 Declaration of Sharif Amin.

9. All documents regarding premiums for participation in the 2005 plan for post-May 2005 retirees for the period 2005 to present.

10. All records related to pensions, Medicare premium reimbursement and/or Retiree Medical Savings Accounts for the following post-May 1, 2005 retirees: Dennis Bellgraph, David Buri, Richard Kusmierz, Jose Garcia, and David Sharkozy.

11. All records regarding Retiree Medical Savings Accounts for the following Class Members: Gary Mock, Danny Stewart, Harold Badtram, Wilbert Bertling, Thomas Pease, Elden Hagen, John Goss, Bill Holler, Herbert Bailey, Jr., Danny Davis, John DeMoulpied, Dennis

Petrovic, Gary Gonterman, Dexter Leonard, Alvino Terronez, Jr., Thomas Westmoreland, James Foster, Ronald Johnston, Greg Isaacson, Verlun Kopecky, Theodore Karapanos, Alfred Hudec, Jr., Richard Seager, Melvin Konkel.

12. FASB 106 valuations for CNH Global or any of its subsidiaries since 2004 and all documents relied on or consulted in preparing those valuations.

13. All studies, valuations, calculations or other documents containing or relating to the present value of CNH's obligation for health care benefits for the Class under the Current Plan, under the Proposed Plan and/or under any other variation of benefits CNH has considered as a modification to the Current Plan.

Respectfully Submitted,

McKNIGHT, McCLOW, CANZANO,  
SMITH & RADTKE, P.C.

By: \_\_\_\_\_  
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Date: November 5, 2013

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**PROOF OF SERVICE**

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SANDRA COWELL, being first duly sworn, deposes and says that on the 5th day of November, 2013, she did serve a copy of Plaintiffs= Fifth Request for Production of Documents and Second Set of Requests for Admission upon:

**Bobby Burchfield, Esq.**  
**McDERMOTT WILL & EMERY**  
**The McDermott Building**  
**500 North Capital Street, Northwest**  
**Washington, D.C. 20001**

by email and first class U.S. mail, postage fully prepaid.

SANDRA COWELL